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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

DATE FILED: 10/2/16

ROBERT J. PATTERSON, individually and as representative  
of a class of similarly situated persons of the Morgan Stanley  
Retirement Plan,

Plaintiff,

v.

MORGAN STANLEY, Morgan Stanley Domestic Holdings,  
Inc., Morgan Stanley Capital Management, LLC, and Morgan  
Stanley Investment Management, Inc., Morgan Stanley  
Retirement Plan Investment Committee, Morgan Stanley Board  
of Directors, James P. Gorman, Roy J. Bostock, Erskine B.  
Bowles, Alistair Darling, Robert J. Davies, Thomas H. Glocer,  
James H. Hance, Jr., Robert H. Herz, Nobuyuki Hirano, C.  
Robert Kidder, Klaus Kleinfeld, John J. Mack, Jami Miscik,  
Donald T. Nicolaisen, Hutham S. Olayan, James W. Owens, O.  
Griffith Sexton, Ryosuke Tamakoshi, Masaaki Tanaka, Perry  
M. Traquina, Laura D. Tyson, Rayford Wilkins, Jr., and John  
Does 1-20,

Defendants.

Case No. 1:16-CV-6568 (RJS)

**STIPULATION AND  
~~PROPOSED~~ ORDER TO  
EXTEND TIME TO  
ANSWER COMPLAINT**

WHEREAS Defendant Morgan Stanley was properly served a summons and complaint  
on August 24, 2016, making its original deadline to respond to the Complaint September 14,  
2016; and

WHEREAS Morgan Stanley previously requested and received an extension of time to  
answer or respond to the Complaint to October 14, 2016; and

WHEREAS Plaintiff sent waivers of service of summons to all remaining Defendants<sup>1</sup> on September 8, 2016; and

WHEREAS the parties have agreed that in exchange for each of the remaining Defendants executing waivers of service of summons *all* Defendants, including Morgan Stanley, shall have 60 days from the date of the waiver of service (*see* Fed. R. Civ. P. 4(d)) to either answer the Complaint or file a letter seeking a pre-motion conference regarding a motion to dismiss, as required by Section 2.A of the Court's Individual Rules and Practices;

IT IS HEREBY STIPULATED AND AGREED that the time for all Defendants to either answer the Complaint or file a letter seeking a pre-motion conference regarding any motion to dismiss is hereby extended up to and including November 7, 2016. This is the first request for extension for all Defendants, except for Morgan Stanley.

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<sup>1</sup> Morgan Stanley Domestic Holdings, Inc., Morgan Stanley Capital Management, LLC, Morgan Stanley Investment Management, Inc., Morgan Stanley Retirement Plan Investment Committee, Morgan Stanley Board of Directors, James P. Gorman, Roy J. Bostock, Erskine B. Bowles, Alistair Darling, Robert J. Davies, Thomas H. Gloer, James H. Hance, Jr., Robert H. Herz, Nobuyuki Hirano, C. Robert Kidder, Klaus Kleinfeld, John J. Mack, Jami Miscik, Donald T. Nicolaisen, Hutham S. Olayan, James W. Owens, O. Griffith Sexton, Ryosuke Tamakoshi, Masaaki Tanaka, Perry M. Traquina, Laura D. Tyson, and Rayford Wilkins, Jr. (collectively, with Morgan Stanley, "Defendants").

Dated: September 30, 2016  
New York, New York

**O'MELVENY & MYERS LLP**

By: 

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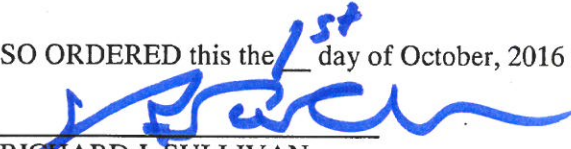
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*Counsel for Plaintiff*

SO ORDERED this the 1<sup>st</sup> day of October, 2016

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK